

ORIGINAL

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United States District Court
for
Eastern District of New York
Report on Offender Under Supervision

Name of Offender: David Francis Clark

Case Number 02-CR-1072

Name of Sentencing Judicial Officer: The Honorable C. Weston Houck, U.S. District Judge
District of South Carolina.

Transfer of Jurisdiction: Accepted on September 12, 2002, by The Honorable Frederic
Block, U.S. District Judge, Eastern District of New York.

Date of Original Sentence: February 28, 2001.

Original Offense: Felon in Possession of a Firearm.

Original Sentence: 30 months, 3 years supervised release, \$100 special assessment fee, substance
abuse treatment as directed by probation. January 23, 2002 the defendant's term of
imprisonment was reduced to time served pursuant to government Rule 35 B motion.

Modification Ordered on August 5, 2003: 120 days Community Correction Center.

Modification Ordered on October 31, 2003: Additional 30 days in a Community Correction Center.

Modification Ordered on February 18, 2004: 50 Hours Community Service.

Violation on November 18, 2004: The offender was sentenced to 30 days custody, 1 year supervised
release with a special condition for substance abuse treatment.

Type of Supervision: Supervised Release

Date Supervision Commenced: February 1, 2005

Assistant U.S. Attorney: Scott Morvillo, Esq.

Defense Attorney: Heidi Cesare Esq.

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Use of a Controlled Substance

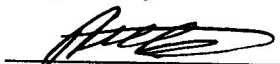
U.S. Probation Officer Action:

In violation of the conditions of supervised release, the offender tested positive for marijuana on February 3, 2005; June 16, 2005; September 20, 2005; and January 3, 2006. According to Public Law 107-273, The 21st Century Department of Justice Appropriations Authorization Act which states that:

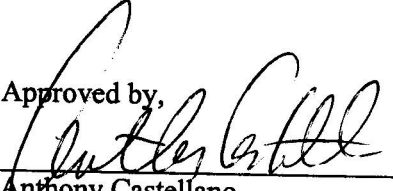
"Upon a finding of illegal drug use, wherein an offender tests positive for illegal controlled substances **more than three times within twelve months**, the statute requires that supervision be revoked and a term of imprisonment imposed (18 USC 3565 (b)(1), 3583 (g), amended November 2, 2002). The only exception is where the Court finds the offender's past or current involvement in an appropriate treatment program warrants a reprieve from mandatory revocation."

The offender commenced supervision in EDNY in June 2005, after his case was transferred from the District of Maryland. On June 17, 2005, the offender reported to the probation office in Brooklyn and provided a urine test that was positive for marijuana. The undersigned officer immediately referred the offender to the "Tri-Center" substance abuse program at which time he commenced weekly therapy sessions. The offender initially reported to Tri-Center as directed, however, in September 2005, the offender relapsed in marijuana use, and was in danger of being discharged for failure to report. On October 3, 2005, the offender signed a treatment contract with Tri-Center and he agreed not to miss any further sessions and remain sober. While the offender's attendance improved since the contract, the offender relapsed in marijuana use. As a result of the offender's last relapse, he was referred to an intensive out-patient group at Tri-Center, which meets five days per week. The offender expressed the willingness to comply with further treatment, and has since reported as directed. The Probation Department believes the offender's participation at the Tri-Center program warrants a reprieve from mandatory revocation, therefore, we recommend that no action be taken at this time. Furthermore, the offender is scheduled to terminate from supervision on January 31, 2006.

Respectfully submitted by,


Richard Azarian
Sr. U.S. Probation Officer
347-534-3424
Date: 1-10-06

Approved by,

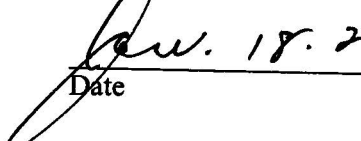

Anthony Castellano
Supervising U.S. Probation Officer
Date: 1-10-06

~~THE~~ COURT ORDERS:

- ☒ No Action
- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

Signature of Judicial Officer

Date


Jan. 18, 2006